

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ZYNGA GAME NETWORK, INC.,

No. C-09-3636 SC (EMC)

Plaintiff,

v.

**ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANT'S
MOTION TO SHORTEN TIME**

GREEN PATCH, INC.,

(Docket No. 45)Defendant.

Green Patch has filed a motion for expedited discovery which it seeks to have heard on shortened time. More specifically, Green Patch asks that Zynga be ordered to file an opposition to the motion by September 28, 2009, to be followed by a hearing on the motion on September 30, 2009. The Court hereby **GRANTS** in part and **DENIES** in part the request for shortened time.

The request is denied to the extent that Green Patch seeks the briefing schedule and hearing date discussed above. Zynga has represented to the Court that it does not oppose expedited discovery but it does oppose the scope of the discovery sought by Green Patch. Because the parties do not appear to have conducted a good faith meet and confer about the scope of the discovery, a hearing on September 30, 2009, would be premature.

The Court, however, shall shorten the briefing schedule and hearing date for Green Patch's motion. Zynga has stated that it is not opposed to shortened time in principle, and shortened time is reasonable given that the discovery being sought is related to a motion for preliminary injunction, which Zynga intends to file. The motion for expedited discovery shall be heard on **October 7, 2009, at 10:30 a.m.** The parties are ordered to meet and confer in person and in good faith by September


1 30, 2009. If the meet and confer does not result in an agreement, a further meet and confer shall be
2 held in person with lead counsel for each party participating. The Court finds it difficult to
3 understand why an agreement cannot be reached on this issue. In lieu of an opposition and reply
4 brief, the parties shall file a joint letter by October 2, 2009, stating what the remaining disputes are
5 and the parties' respective positions on the disputes. The joint letter should be no longer than five
6 (5) single-spaced pages.

7 As a final point, the Court notes that, in the future, should a party seek a motion to be heard
8 on shortened time, then both parties are expected to meet and confer in good faith to determine
9 whether they can reach an agreement on shortened time. This is what the Civil Local Rules requires.
10 *See* Civ. L.R. 6-3(a)(2). The Court is hard pressed to understand the parties' repeated inability to
11 reach agreement on even the limited issue of shortened time. In the future, the Court will not
12 hesitate to impose sanctions on either or both parties for failure to comply with the Civil Local
13 Rules.

14 This order disposes of Docket No. 36.

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16 IT IS SO ORDERED.

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18 Dated: September 28, 2009

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EDWARD M. CHEN
United States Magistrate Judge